

Appl. No. 09/840369

REMARKS

The following remarks are in response to the Office Action mailed on October 24, 2003. Upon entrance of the amendments set out above, Claims 1-48 remain pending in this application. The claims were rejected under various prior art. Response is hereby made to those rejections.

The invention generally relates to bags formed from a moving film by imparting successive seals as the film moves. The sensor scans the moving film and detects a seal, and sends a signal indicative of the presence of a seal, and the seal's location.

The prior art relied upon by the Examiner included 6474141 (Takaoka), 6131452 (Thalmann) and 5861078 (Huben).

6474141 discloses a sensor for detecting faulty seals in bags. The bags are stationary when tested, and the detection is of faulty seals. It does not detect the presence of a seal, nor its location. Rather it assumes the existence of a seal, and tests to see if it is airtight.

6131452 discloses a textile sensor that sense threads in textiles. Each thread is sensed. There is no seal detection.

5861078 discloses an optical sensor for sensing seals that form bags from a continuous film.

Turning now to the claims of the present invention, claim 1 includes, *inter alia*, that the film is "moving in a machine direction" and the "force is created when the film moves in the machine direction" and that the provided seal signal be "indicative of the presence and location of the seal". The prior art does not show this, alone or in combination.

Each rejection of each independent claim will be discussed in detail. Because the independent claims are patentable, the dependent claims are also patentable.

First, claim 1 was rejected as being anticipated by 6474141. 6474141 does not teach a moving film. It does not teach a force created by the film moving in a machine direction. It does not provide a signal indicative of the presence of a seal

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(it does indicate a faulty seal, but not the mere presence of a seal), nor does the signal indicate the location of the seal. Accordingly, claim 1 cannot be anticipated by 6474161.

Independent claims 15, 24, 32 and 43 were also rejected as being anticipated by 6474141. Each of those claims include limitations similar to the limitations discussed above with respect to claim 1. Therefore, claims 15, 24, 32 and 43 are also not anticipated by 6474141.

Claim 1 was also rejected as being obvious over 6474141 in view of 6131452. The combination is improper. 6131452 relates to sensing threads. The individual threads create a signal, and from the signals flaws are detected. One skilled in the art of bag making -- an art where the film is smooth but for the intermittent seal -- would have no reason to delve into the art of textiles and thread sensing -- where the entire fabric is comprised of individual threads that could be sensed. Thus, there is no motivation to make such a combination.

Even if the combination was made, it would not result in the claimed invention. Both the prior patent do not detect the presence of a seal and its location. Rather, both detect flaws. Neither discusses sending a signal indicative of the location of a seal. Thus, the combination, even if it were made, does not render claim 1 obvious.

Independent claims 15, 24, 32 and 43 were also rejected as being obvious over 6474141 in view of 6131452. For the reasons discussed with respect to claim 1, claims 15, 24, 32 and 43 are also not obvious over 6474141 in view of 6131452.

Claim 1 was also rejected as being "anticipated" 5861078 in view of 6131452. First, Applicants note that the rejection was stated as a 102 rejection, but two prior art patents were relied upon. The Examiner conceded that neither anticipates the claims. Thus, the Applicants will respond as if the rejection had been a 103 rejection.

The combination is improper. As described above, 6131452 relates to sensing individual threads and detecting flaws. One skilled in the art of bag making would not look to

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the art of textile flaw detection to learn how to detect a seal. Thus, there is no motivation to make such a combination, and it would never be made.

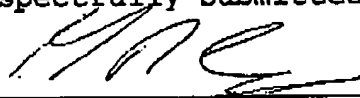
Even if it were made, 6131452 teaches to sense threads and flaws, not seals and their locations. It does not suggest it may be used to detect a seal. More specifically, 5861078 does not teach to detect a force created by a moving seal. 6131452 does not teach to detect a force created by a moving seal. Any misguided combination will not result in the detection of a force created by a moving seal. Thus, claim 1 is patentable over the combination of 6131452 and 5861078.

Independent claims 15, 24, 32 and 43 were also rejected as being obvious over 5861078 in view of 6131452. For the reasons discussed with respect to claim 1, claims 15, 24, 32 and 43 are also not obvious over 5861078 in view of 6131452.

Since all independent claims are patentable over the prior art, the dependent claims are also patentable.

Accordingly, Applicants respectfully submit that the application should be allowed. The Examiner is invited to telephone the undersigned below if it will aid in the prosecution of this application.

Respectfully Submitted

 4/26/04

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